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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,269	04/24/2001	Kaoru Uchida	Q64131	3335

7590 08/23/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No. 09/840,269	Applicant(s) UCHIDA, KAORU	
	Examiner Wen-Tai Lin	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/24/01 & 7/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-60 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durrett [U.S. Pat. No. 5964830] in view of kang [U.S. PGPub 20010051925] and/or Official Notice.

4. As to claims 1 and 3, Durrett teaches the invention substantially as claimed including:

a content distribution method comprising the steps of measuring a first biometric feature of a person who requests a content distribution [col.1, lines 33-45; col.5, lines 3-6];

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performing a first comparison between first information associated with said first biometric feature obtained by the measurement and second information associated with biometric features of registered users which have been previously registered [Note that by default each user must have gone through a registration process to store a sample of biometric feature so that comparison and verification can be made afterwards];

accessing a content only when match is made as a result of said first comparison [col.5, lines 3-10; col.6, lines 4-12; e.g., the first comparison occurs when a user logs in a web server to download software objects and store it at the virtual disk server. Note that virtual disk server is a shared service terminal because it provides customized storage for its customers, and the fingerprints must have been pre-stored at the server during a previous registration process], wherein the biometric feature is encrypted [col.2, lines 40-42].

measuring at the time of reproduction of the content distributed in said content distribution step, a second biometric feature of a person who requests a content reproduction [i.e., an authentication must have occurred each time the portal device is connected to the virtual disk server, wherein transfer of the software objects stored therein is an act of reproduction of the content];

performing a second comparison between third information associated with said second biometric feature obtained by the measurement and said first information; and allowing said person who has requested a content reproduction to use said content only when match is made as a result of said second comparison [col.5, lines 42-51; col.1, line 66 – col.2 line 19].

Durrett does not specifically teach that the downloaded/distributed content can be re-distributed to another user, causing another user to perform authentication prior to reproducing the content.

However, Official Notice is taken that business models utilizing users, retailers or intermediate service providers to re-distribute digital contents over the Internet are well known. For example, kang teaches a business method wherein digital contents downloaded by one entity can be further distributed to another [kang: Abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to cause the content distributed/downloaded to Durrett's virtual disk server for further distributing the content to another subscribers of the virtual disk service provider because from the efficiency point of view it would allow Durrett's virtual disk server to store contents of common interest in a common area (rather than storing in each subscriber's virtual disk partition), besides serving as an effective means for promoting a digital content among the users.

5. As to claim 2, kang teaches that the digital contents include software, music, video, images, documents, or any other item that can be distributed digitally [kang: paragraph 6].

6. As to claim 8, Durrett in view of kang and/or Official Notice teaches the invention substantially as claimed [see paragraph # 4 above] including: a content distribution method comprising the steps of:

distributing a content to a user terminal [kang:Abstract];

measuring at the time of reproduction of said accumulated content, a biometric feature of a person who requests a content reproduction;

performing a comparison between biometric feature information associated with said biometric feature obtained by the measurement and biometric feature information of a registered user which has previously been registered; and allowing reproduction of said content only when match is made as a result of said comparison [Durrett: col.5, lines 42-51; col.1, line 66 – col.2 line 19].

Durrett and kang does not specifically teach the content distributed to a user terminal is accumulated therein for further reproduction.

However, Durrett teaches that the SOEs making up of the portal device's OCO are assembled dynamically and application software updates are transparently applied to the user's environment [col.3, lines 15-23; col.7, lines 44-48; note that an updated software is an example of accumulated content]. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the SOEs could have been accumulated at the virtual disk server for subsequent reproduction at each of the portal devices because by doing so the integration (or update) of various software elements only need to be performed once, instead of doing it at every portal device.

7. As to claim 9, Durrett does not specifically describe a step of restricting by a content distribution server, kinds of content to be distributed to said user terminal.

However, Official Notice is taken that it is well known in the art that a web server could impose restriction over what content is to be distributed to certain group of subscribers. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the user of Durrett's portal device would receive similar restrictions such as the size of a content (to be distributed to its virtual disk server) because, for example, a portal device may not be able to display a large image.

8. As to claims 10-11, Durrett does not specifically teach a step of transmitting to a content distribution server content utilization information including at least specific information regarding a person who has reproduced the content and information regarding said reproduced content; and charging the user who has reproduced the content or providing a personal service for the user, according to said content utilization information sent to said content distribution server.

However, Official Notice is taken that, for purpose of targeted advertisement, collecting utilization information regarding an end-user's activities associated with a reproduced content is well known in the art. Further, charging a usage of content provided by content provider is also well known in that art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Durrett's content distribution server may also collect utilization

information and charge as mentioned above because it serves better understanding of the users and help improving a follow-up advertisement.

9. As to claims 17 and 20, Durrett in view of kang and/or Official Notice teaches the invention substantially as claimed including: a content distribution method comprising the steps of:

registering a user identification to identify a user, biometric feature information of a user, a biometric feature identification to identify said biometric feature information, by making a connection therebetween;

measuring biometric features of a person who requests a content distribution [kang: Abstract]; and reading a user identification and a biometric feature identification of said person from said registered user information table, according to biometric feature information associated with said biometric feature obtained by said measurement [Durrett: col.5, lines 42-51; col.1, line 66 – col.2 line 19].

Durrett and Kang does not specifically teach personalizing a user terminal according to a terminal personalization setup data table.

However, Durrett teaches that each virtual disk user has its own disk space storing selected software elements, such as various operating systems for setting up a portal device according to a customer's choice [col.2, lines 24-32)].

Thus, in essence, it is obvious that each portal device can be personalized by loading an OS or application software at the time of initial connection with the virtual

disk because the software typically requires a disk and would have to reside in the non-volatile memory of the virtual disk server.

10. As to claims 4-7, 12-16, 18-19 and 21-60, since the features of these claims can also be found in claims 1-3, 8-11, 17 and 20, they are rejected for the same reasons set forth in the rejection of claims 1-3, 8-11, 17 and 20 above.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Dircks et al. [U.S. Pat. No. 6061795];
Reisman [U.S. Pat. No. 6557054];
Brown et al. [U.S. Pat. No. 6618806];
System [U.S. Pat. No. 6711610];
DeMont [U.S. PGPub 20020069362];
Mori [U.S. PGPub 20010027520];
Ishibashi [U.S. PGPub 20030105720];
Reisman [U.S. Pat. No. 6769009]; and
BOCCON-GIBOD et al. [U.S. PGPub 20010016836].

12. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period

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for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

August 17, 2004

Wen-Tai Lin
8/17/04